

REMARKS

Claims 1-5 are pending. By this Amendment, Claim 1 is amended and Claims 2-5 added. Applicants respectfully submit no new matter is presented.

Claims 1-7 Recite Patentable Subject Matter

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,285,640 to Olivo. Applicants respectfully traverse the rejection.

Regarding the invention, Applicants respectfully submit the inside of an exhaust muffler is divided into a plurality of chambers, e.g., first and second chambers, that are used for converting mainly NO_x and exhaust gas in the first chamber and HC and CO in the second chamber. Negative pressure generated around the conduit by exhaust gas flowing from the first chamber to the second chamber through the conduit enables external air to be sucked into the second chamber rather efficiently and without requiring any special manner of sucking the external air into the interior of the muffler. See the paragraph bridging pages 6-7 of the originally filed application.

In this regard, Claim 1 recites an exhaust emission control system for an engine, including, among other features, an external-air suction means provided in a partition wall that is disposed between first and second chambers, the partition wall having a conduit for guiding exhaust gas from the first chamber to the second chamber. The first chamber converts mainly NO_x in the exhaust gas while the second chamber converts HC and CO in the exhaust gas.

Applicants respectfully submit Olivo does not disclose or suggest such a feature.

Rather, Olivo discloses an exhaust emission control system having a first chamber (12) that converts mainly NO_x in exhaust gas and a second chamber (14) that

converts mainly HC and CO in the exhaust gas. The Office Action asserts Olivo discloses a partition wall having a conduit for guiding the exhaust gas from the first chamber (12) to the second chamber (14). Applicants acknowledge that the exhaust gas from the first chamber (12) flows into the transfer chamber (24) extending axially between the inlet end wall (26) and the outlet end wall (28) along one side of the body (15) opposite a sound attenuation chamber (17). However, Olivo does not disclose or suggest an external-air suction means provided in a partition wall that is disposed between the first (12) and second (14) chambers wherein the partition wall has the conduit which guides the exhaust gas from the first chamber (12) to the second chamber (14). Rather, as shown clearly in Figure 1 of Olivo, the downstream end (12b) of the first chamber (12) abuts the upstream end (14a) of the second chamber (14). The abutting region does not include a conduit therein through which the exhaust gas flows. Instead, as noted above, the conduit is the exhaust transfer chamber (24) formed along an outer periphery of both chambers (12 and 14) rather than being formed or disposed between the chambers (12 and 14). Put simply, Olivo does not disclose or suggest an external-air suction means provided in a partition wall that is disposed between the first and second chambers (12 and 14) wherein the partition wall has a conduit that guides the exhaust gas from the first chamber (12) to the second chamber (14).

Based on the Applicants' understanding of Olivo, there does not appear to be such a partition wall separating or otherwise dividing the two catalysts (12 and 14). When an associated engine is in a suction stroke or explosion/expansion stroke where the flow rate of exhaust gas is relatively low, the external air that is sucked into the

exhaust emission treatment device (10) tends to flow into the first catalyst side in Olivo, which will likely result in a low purification of NOx. Applicants respectfully request that if Olivo is again cited in a subsequent Office Action as a reference teaching an external-air suction means provided in a partition wall, the Office Action indicate where in Olivo such features are disclosed, taught, or even suggested.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Olivo fails to disclose or suggest each and every feature recited by Claim 1. Therefore, Olivo does not anticipate or render obvious the invention recited by Claim 1.

Accordingly, Applicants respectfully submit Claim 1 should be deemed allowable over Olivo for the reasons discussed above.

Claims 2-5 depend from Claim 1. It is respectfully submitted that these dependent claims should be deemed allowable for the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

As such, Applicants respectfully request withdrawal of all of the rejection.

Form PTO-1449

Applicants respectfully note the Form PTO-1449 attached to the Information Disclosure Statement dated May 26, 2004, has not yet been returned with the Examiner's initials indicating the Examiner has considered the submitted references cited therein. Applicants respectfully request that the Examiner consider the references and provide a copy of Form PTO-1449 with the Examiner's initials next to the cited references indicating the Examiner properly considered the references. A copy of the PTO Form 1449 is attached for the Examiner's convenience.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of the Claims 1-5, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00375.**

Respectfully submitted,
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